

FORM PTO-1390 (Modified)  
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

L7725.04106

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

Unassigned **10/501906**INTERNATIONAL APPLICATION NO.  
**PCT/EP2002/011694**INTERNATIONAL FILING DATE  
**October 18, 2002**

PRIORITY DATE CLAIMED

## TITLE OF INVENTION

**CONSTELLATION REARRANGEMENT FOR ARQ TRANSMIT DIVERSITY SCHEMES**

## APPLICANT(S) FOR DO/EO/US

**Christian WENGERTER, Alexander GOLITSCHKE EDLER VON ELBWART, and Eiko SEIDEL**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

**Application Data Sheet****PCT/IB/306****PCT/IB/308****PCT/RO/101**

|  |   |  |
|--|---|--|
| U.S. APPLICATION NO. (IF KNOWN, SEE 37<br><b>Unassigned 404501 906</b> ) | INTERNATIONAL APPLICATION NO.<br><b>PCT/EP2002/011694</b> | ATTORNEY'S DOCKET NUMBER<br><b>L7725.04106</b> |
|--|---|--|

|   |                     |                     |                                     |                                  |               |
|---|---------------------|---------------------|-------------------------------------|----------------------------------|---------------|
| 24. The following fees are submitted:   |                     |                     |                                     | <b>CALCULATIONS PTO USE ONLY</b> |               |
| <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :</b>  |                     |                     |                                     |                                  |               |
| <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1080.00</b> |                     |                     |                                     |                                  |               |
| <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$920.00</b>   |                     |                     |                                     |                                  |               |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$770.00</b>   |                     |                     |                                     |                                  |               |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$730.00</b>  |                     |                     |                                     |                                  |               |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b>  |                     |                     |                                     |                                  |               |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>   |                     |                     |                                     | <b>\$920.00</b>                  |               |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).                                       |                     |                     |                                     | <b>\$0.00</b>                    |               |
| <b>CLAIMS</b>   | <b>NUMBER FILED</b> | <b>NUMBER EXTRA</b> | <b>RATE</b>                         |                                  |               |
| Total claims  | 28 - 20 =           | 8                   | x \$18.00                           | <b>\$144.00</b>                  |               |
| Independent claims  | 3 - 3 =             | 0                   | x \$86.00                           | <b>\$0.00</b>                    |               |
| Multiple Dependent Claims (check if applicable)   |                     |                     | <input checked="" type="checkbox"/> | <b>\$290.00</b>                  |               |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |                     |                     |                                     | <b>\$1,354.00</b>                |               |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |                     |                     |                                     | <b>\$0.00</b>                    |               |
| <b>SUBTOTAL =</b>   |                     |                     |                                     | <b>\$1,354.00</b>                |               |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).                                  |                     |                     |                                     | <b>\$0.00</b>                    |               |
| <b>TOTAL NATIONAL FEE =</b>   |                     |                     |                                     | <b>\$1,354.00</b>                |               |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).   |                     |                     |                                     | <input type="checkbox"/>         | <b>\$0.00</b> |
| <b>TOTAL FEES ENCLOSED =</b>  |                     |                     |                                     | <b>\$1,354.00</b>                |               |
|   |                     |                     |                                     | <b>Amount to be: refunded</b>    | <b>\$</b>     |
|   |                     |                     |                                     | <b>charged</b>                   | <b>\$</b>     |

- a. ☒ A check in the amount of **\$1,354.00** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.
- c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **19-4375**
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**James E. Ledbetter**  
**STEVENS, DAVIS, MILLER & MOSHER, LLP**  
 1615 L Street NW, Suite 850  
 P.O. Box 34387  
 Washington, DC 20043-4387

  
 SIGNATURE

**James E. Ledbetter**

NAME

**28,732**

REGISTRATION NUMBER

**July 20, 2004**

DATE